



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)Nos. 399 of 2022

B.Muthuramalingam

.. Appellant/Petitioner

Vs

The Secretary,
The Government of India,
Ministry of Personnal, Public Grievances and Pension,
Department of Personnel and Training,
New Delhi.

.. Respondent/Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the common order dated 15.03.2022 recorded on W.P.(MD) No. 11534 of 2021.

Prayer in WP(MD). 11534/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to pass an order or direction or writ more particularly in the nature of writ of mandamus by directing the respondent to consider and dispose of the petitioners representation dated 16.06.2021 sent in connection with the acceptance of reviewed cadre strength by relying upon the vacancy position available during 2019-2020 as expeditiously as possible so as to enable him to get his name included in the select list prepared in this regard and pass such any or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant : Mr.R.Anand

JUDGMENT

[Delivered by PARESH UPADHYAY, J.]

1. Challenge in this appeal is made to the order dated 15 March 2022 recorded on W.P.(MD) No.11534 of 2021. This appeal is by the writ petitioner.

2. Learned advocate for the appellant has submitted that the petitioner had merely asked for direction to the sole respondent to consider the representation pertaining to re-fixation of cadre



strength of I.A.S. in the State of Tamil Nadu, which ought to have been considered favourably. It is submitted that the dismissal of the writ petition is erroneous and therefore this appeal be entertained.

3. Having heard learned advocate for the appellant and having considered the material on record we find that, the very grievance of the appellant pertains to cadre strength of I.A.S. in the State of Tamil Nadu. Though the nomenclature I.A.S. indicates Indian Administrative Service it is always attached with respective State Governments and in the present case it would be the State of Tamil Nadu. Therefore, not only the authorities of Government of India are required to be heard on the point, which the petitioner joined as sole respondent, the Chief Secretary of the State of Tamil Nadu is also equally necessary party and without his say the petition could not have been even taken up for consideration on merits.

4. We find that, learned Single Judge has independent of this aspect found that the appellant not entitled for the relief. We do not find any error in the dismissal of the writ petition. According to us, the petition suffers vice of non-joinder of necessary party as well. We find that the dismissal of the writ petition need not be interfered with.

5. While dismissing this appeal, we make it clear that the dismissal of the writ petition and this appeal would not be treated as a factor against writ the petitioner, if otherwise he is entitled to be considered for being nominated in the cadre of I.A.S.

6. This Writ Appeal is dismissed, with above observations. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

To

The Secretary,

The Government of India,

Ministry of Personnal, Public Grievances and Pension,

Department of Personnel and Training, New Delhi.

+1 CC to M/s.P.ANAND, Advocate (SR-22234[F] dated 28/04/2022)

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